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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF ARIZONA**
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8 R. Prasad Industries,

9 Plaintiff,

10 v.

11 Flat Irons Environmental Solutions
12 Corporation, et al.,

13 Defendants.

No. CV-12-08261-PCT-JAT

ORDER

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15 On March 26, 2014, Plaintiff R. Prasad Industries moved for partial summary
16 judgment. (Doc. 103). Defendants filed its opposition to the motion on April 28, 2014,
17 objecting to a number of documents Plaintiff submitted in support of its Motion.
18 (Doc. 109). Plaintiff filed its reply on May 15, 2014, along with a supplemental statement
19 of facts and additional evidence to rebut the arguments Defendants made in their
20 opposition. (Doc. 112). Because it would be unfair to consider evidence presented in
21 Plaintiff's reply without giving Defendants an opportunity to respond, *see Provenz v.*
22 *Miller*, 102 F.3d 1478, 1483 (9th Cir. 1996), the Court will allow Defendants to file a sur-
23 reply to Plaintiff's motion for partial summary judgment. The sur-reply must address
24 **only** the new evidence and arguments offered by Plaintiff in its reply.

25 Accordingly,

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1 **IT IS ORDERED** that Defendants shall file a sur-reply to Plaintiff's motion for
2 partial summary judgment by November 14, 2014, addressing **only** the new evidence and
3 arguments offered by Plaintiff in its reply to its motion for partial summary judgment.

4 Dated this 10th day of November, 2014.

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9 James A. Teilborg
10 Senior United States District Judge
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